



## Senate

General Assembly

**File No. 385**

*January Session, 2007*

Substitute Senate Bill No. 784

*Senate, April 10, 2007*

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING FLOODPLAIN USES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-2 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The zoning commission of each city, town or borough is  
4 authorized to regulate, within the limits of such municipality, the  
5 height, number of stories and size of buildings and other structures;  
6 the percentage of the area of the lot that may be occupied; the size of  
7 yards, courts and other open spaces; the density of population and the  
8 location and use of buildings, structures and land for trade, industry,  
9 residence or other purposes, including water-dependent uses as  
10 defined in section 22a-93, and the height, size and location of  
11 advertising signs and billboards. Such bulk regulations may allow for  
12 cluster development as defined in section 8-18. Such zoning  
13 commission may divide the municipality into districts of such number,  
14 shape and area as may be best suited to carry out the purposes of this

15 chapter; and, within such districts, it may regulate the erection,  
16 construction, reconstruction, alteration or use of buildings or  
17 structures and the use of land. All such regulations shall be uniform  
18 for each class or kind of buildings, structures or use of land throughout  
19 each district, but the regulations in one district may differ from those  
20 in another district, and may provide that certain classes or kinds of  
21 buildings, structures or uses of land are permitted only after obtaining  
22 a special permit or special exception from a zoning commission,  
23 planning commission, combined planning and zoning commission or  
24 zoning board of appeals, whichever commission or board the  
25 regulations may, notwithstanding any special act to the contrary,  
26 designate, subject to standards set forth in the regulations and to  
27 conditions necessary to protect the public health, safety, convenience  
28 and property values. Such regulations shall be made in accordance  
29 with a comprehensive plan and in adopting such regulations the  
30 commission shall consider the plan of conservation and development  
31 prepared under section 8-23. Such regulations shall be designed to  
32 lessen congestion in the streets; to secure safety from fire, panic, flood  
33 and other dangers; to promote health and the general welfare; to  
34 provide adequate light and air; to prevent the overcrowding of land; to  
35 avoid undue concentration of population and to facilitate the adequate  
36 provision for transportation, water, sewerage, schools, parks and other  
37 public requirements. Such regulations shall be made with reasonable  
38 consideration as to the character of the district and its peculiar  
39 suitability for particular uses and with a view to conserving the value  
40 of buildings and encouraging the most appropriate use of land  
41 throughout such municipality. Such regulations may, to the extent  
42 consistent with soil types, terrain, infrastructure capacity and the plan  
43 of conservation and development for the community, provide for  
44 cluster development, as defined in section 8-18, in residential zones.  
45 Such regulations shall also encourage the development of housing  
46 opportunities, including opportunities for multifamily dwellings,  
47 consistent with soil types, terrain and infrastructure capacity, for all  
48 residents of the municipality and the planning region in which the  
49 municipality is located, as designated by the Secretary of the Office of

50 Policy and Management under section 16a-4a. Such regulations shall  
51 also promote housing choice and economic diversity in housing,  
52 including housing for both low and moderate income households, and  
53 shall encourage the development of housing which will meet the  
54 housing needs identified in the housing plan prepared pursuant to  
55 section 8-37t and in the housing component and the other components  
56 of the state plan of conservation and development prepared pursuant  
57 to section 16a-26. Zoning regulations shall be made with reasonable  
58 consideration for their impact on agriculture. Zoning regulations may  
59 be made with reasonable consideration for the protection of historic  
60 factors and shall be made with reasonable consideration for the  
61 protection of existing and potential public surface and ground  
62 drinking water supplies. On and after July 1, 1985, the regulations shall  
63 provide that proper provision be made for soil erosion and sediment  
64 control pursuant to section 22a-329. Such regulations may also  
65 encourage energy-efficient patterns of development, the use of solar  
66 and other renewable forms of energy, and energy conservation. The  
67 regulations may also provide for incentives for developers who use  
68 passive solar energy techniques, as defined in subsection (b) of section  
69 8-25, in planning a residential subdivision development. The  
70 incentives may include, but not be limited to, cluster development,  
71 higher density development and performance standards for roads,  
72 sidewalks and underground facilities in the subdivision. Such  
73 regulations may provide for a municipal system for the creation of  
74 development rights and the permanent transfer of such development  
75 rights, which may include a system for the variance of density limits in  
76 connection with any such transfer. Such regulations may also provide  
77 for notice requirements in addition to those required by this chapter.  
78 Such regulations may provide for conditions on operations to collect  
79 spring water or well water, as defined in section 21a-150, including the  
80 time, place and manner of such operations. No such regulations shall  
81 prohibit the operation of any family day care home or group day care  
82 home in a residential zone. Such regulations shall not impose  
83 conditions and requirements on manufactured homes having as their  
84 narrowest dimension twenty-two feet or more and built in accordance

85 with federal manufactured home construction and safety standards or  
86 on lots containing such manufactured homes which are substantially  
87 different from conditions and requirements imposed on single-family  
88 dwellings and lots containing single-family dwellings. Such  
89 regulations shall not impose conditions and requirements on  
90 developments to be occupied by manufactured homes having as their  
91 narrowest dimension twenty-two feet or more and built in accordance  
92 with federal manufactured home construction and safety standards  
93 which are substantially different from conditions and requirements  
94 imposed on multifamily dwellings, lots containing multifamily  
95 dwellings, cluster developments or planned unit developments. Such  
96 regulations shall not prohibit the continuance of any nonconforming  
97 use, building or structure existing at the time of the adoption of such  
98 regulations. Such regulations shall provide that permitted uses in a  
99 floodplain, as defined in section 8-2l, include recreation. Such  
100 regulations shall not provide for the termination of any  
101 nonconforming use solely as a result of nonuse for a specified period  
102 of time without regard to the intent of the property owner to maintain  
103 that use. Any city, town or borough which adopts the provisions of  
104 this chapter may, by vote of its legislative body, exempt municipal  
105 property from the regulations prescribed by the zoning commission of  
106 such city, town or borough; but unless it is so voted municipal  
107 property shall be subject to such regulations.

108 (b) In any municipality that is contiguous to Long Island Sound the  
109 regulations adopted under this section shall be made with reasonable  
110 consideration for restoration and protection of the ecosystem and  
111 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
112 pathogens, toxic contaminants and floatable debris in Long Island  
113 Sound. Such regulations shall provide that the commission consider  
114 the environmental impact on Long Island Sound of any proposal for  
115 development.

116 (c) In any municipality where a traprock ridge, as defined in section  
117 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located  
118 the regulations may provide for development restrictions in ridgeline

119 setback areas, as defined in said section. The regulations may restrict  
120 quarrying and clear cutting, except that the following operations and  
121 uses shall be permitted in ridgeline setback areas, as of right: (1)  
122 Emergency work necessary to protect life and property; (2) any  
123 nonconforming uses that were in existence and that were approved on  
124 or before the effective date of regulations adopted under this section;  
125 and (3) selective timbering, grazing of domesticated animals and  
126 passive recreation.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2007</i>	8-2
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***PD******Joint Favorable Subst.***

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sSB 784**

***AN ACT CONCERNING FLOODPLAIN USES.***

**SUMMARY:**

This bill requires that municipal zoning regulations include recreation as a permitted use in flood plains.

EFFECTIVE DATE: October 1, 2007

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/23/2007)